

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
May 20, 2004

Copies of the resolutions and water quality orders can be obtained from Debbie Irvin by calling (916) 341-5600 or available on our web site at <http://www.swrcb.ca.gov/resdec/index.html#resdec>

CALL TO ORDER

The meeting was called to order by Arthur G. Baggett, Jr., Chair, May 20, 2003, at 10:10 a.m., in the Coastal Hearing Room, 1001 I Street, Sacramento, California.

BOARD MEMBERS PRESENT

Arthur G. Baggett, Jr., Chairman; Peter S. Silva, Vice Chair; Richard Katz, Member; Gary Carlton, Member; and Nancy H. Sutley, Member

BOARD MEMBERS ABSENT

None.

STAFF PRESENT

Celeste Cantú, Harry Schueller, Thomas Howard, Ted Cobb, Debbie Irvin

OTHERS PRESENT

Stephen Adams, Court Reporter, Northern California Court Reporters—Items 16, 17

Paul Helliker and Kathy Brunetti, Department of Pesticide Regulation; Craig Downs and Dick Shanahan, Mosquito and Vector Control Association of California; Karl Malamud-Roam, Contra Costa Mosquito and Vector Control District; Diana Jacobs, Department of Fish and Game; Paul Henson, US Fish and Wildlife Service; Ted Frink, California/Nevada Chapter American Fisheries Society and California Trout; Kevin Keefer, Western Plant Health Association; Scott Lower, Grassland Water District; Randy Fischback, Dow Chemical Company; David Bolland, Association of California Water Agencies; Bill Jennings, DeltaKeeper; Sejal Choksi, San Francisco Baykeeper and Waterkeepers; Bill Taylor, Metropolitan Water District of Southern California; Michael Sexton, Rick Massa and Al Calonico, Orland Unit Water Users Association; Dennis Kelly, Syngenta; Craig Mayfield, Livermore, California; Thomas Jordan, Community of Harbor Bay Isle/Ofer; Summer Bundy, Byron Bethany Irrigation District; Greg Connaughton, Contra Costa Flood Control District; Tom McNabb, Clean Lakes Inc; Don McPeck, County of Orange; Dr. G. Fred Lee; James C. Schmidt, Applied Biochemists; Mike Blankinship, various water agencies/Northern California; Bob Acker, Merced Irrigation District; DeeDee Jones; CA Department of Water Resources; Thomas Valenta, Merced Irrigation District; Wes Croxen, Baker Petrolite; Jim Atherstone, South San Joaquin Irrigation District; Larry Grabon, Marin Municipal Water District; Tony François, California Farm Bureau; Aaron Ferguson, Northern California Water Association; Tom Pinkos and Frances McChesney, Central Valley Regional Board; Penny Alexander-Kelley and Dr. Ian Hutchison, TRC/Meridian Beartrack; Peter Dwelley, Meridian Gold; Sheryl Schaffner, North Coast Regional Board; Bill Robbins, Ameron International; Joe Muzzo, Chevron Texaco; Roberta Larson, Somach, Simmons and Dunn; Yvonne Hunter, League of Cities, CSAC, RCRC; and Pete Pereira, Pacifica, California

PUBLIC FORUM

No one addressed the Board.

MINUTES

The Board unanimously approved the minutes of the April 22, 2004 and May 4, 2003 Board meeting.

UNCONTESTED ITEMS

Items 1 – 10 were unanimously adopted as recommended by staff.

FINANCIAL ASSISTANCE

1. Consideration of a Resolution Adopting the Clean Water State Revolving Fund State Fiscal Year 2003/2004 Intended Use Plan and Federal fiscal year 2004 Federal Capitalization Grant Acceptance

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0024**

2. Consideration of a Resolution Approving a Proposed Revision to the Costa-Machado Water Act of 2000 Phase II, Proposition 13, Project Priority Lists

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0025**

3. Consideration of a Resolution Approving a Proposed Revision to the Costa-Machado Water Act of 2000 Priority List, Pesticide Research and Identification of Source, and Mitigation Grant Program

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0026**

WATER QUALITY

4. Consideration of a Resolution Authorizing the Executive Director or Designee to Apply for and Accept Fiscal Year (FY) 2004-05 Clean Water Act Section 106 Water Pollution Control Program Grant, Plus Any Carry-Over FY 2003-04 Grant Funds, and to Negotiate, Approve, and/or Amend the Grants and the Workplan

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0027**

5. Consideration of a Resolution Authorizing the Executive Director or Designee to Apply for and Accept a Fiscal Year 2003 Clean Water Act Section 104(b)(3) Grant to Support the Sacramento River Toxic Pollutant Control Program, and Negotiate, Approve, and/or Amend the Grant and Workplan

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0028**

6. Consideration of a Resolution Certifying the Tahoe Regional Planning Agency's Amendment to the Water Quality Management Plan for the Lake Tahoe Basin

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0029**

7. Consideration of a Resolution Adopting the Nonpoint Source Pollution Control Program Implementation and Enforcement Policy, and Approving the Functional Equivalent Document

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0030**

8. Consideration of a Resolution Adopting the Emergency Regulations that Define the Term "Interstitial Liquid Level Measurement" as Used to Describe a Means of Leak Detection for Underground Storage Tanks

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0031**

WATER QUALITY PETITIONS

9. Consideration of the Petition of Chevron Products Company for Review of Technical Report Order for 4000 Portola Drive, Santa Cruz, issued by the Central Coast Regional Board, SWRCB/OCC File A-1343

Motion: The Board unanimously adopted the proposed order. **WQ Order 2004-0005**

10. Consideration of the Petition of Carl and Carole Boyett and Boyett Petroleum (Administrative Civil Liability, Order No. R1-2003-0075 for Boyett Petroleum) North Coast Regional Board, SWRCB/OCC File A-1583

Motion: The Board unanimously adopted the proposed order. **WQ Order 2004-0006**

WATER QUALITY

11. Consideration of a Resolution Approving an Amendment to the Central Valley Regional Board's Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Correct Reference to a Bacteria Water Quality Objective for Groundwater

Joanne Cox, Division of Water Quality, presented the item outlining three issues brought up by commenters regarding the amendment.

Tom Pinkos, Frances McChesney, Robert Larson, Yvonne Hunter, Tony Francois and Aaron Ferguson addressed the Board. The Board voted 3 to 2 to table the item indefinitely.

Item 12 removed from the agenda

~~12. Consideration of Modifications to the Fact Sheet for the General Permit for Storm Water Discharges Associated With Construction Activity (Order No. 99-08-DWQ) to Clarify the Sampling and Analysis Requirements~~

13. Consideration of Adoption of the Proposed Revisions to the State Water Resources Control Board's Annual Water Quality Fee

Ted Cobb, Office of Chief Counsel, presented the item.

Pete Pereira addressed the Board.

Motion: The Board unanimously adopted the resolution. **Resolution 2004-0032**

WATER QUALITY PETITIONS

14. Consideration of an Order on the Petition of Meridian Beartrack Company, Meridian Gold Company, and Felix Mining Company for Review of Cease and Desist Order No. R5-2003-0055 for Royal Mountain King Mine, Issued by the Central Valley Regional Board, SWRCB/OCC File A-1569 (As previously noticed, Board Member Carlton recused himself.)

Dan Frink, Office of Chief Counsel, presented the item, noting a revised draft order and two revisions in an errata sheet.

Tom Pinkos, Penny Alexander and Bill Jennings addressed the Board.

Motion: The Board voted to adopt the proposed order as revised. **WQ Order 2004-0007**

15. Consideration of an Order on the Petition of the Environmental Protection Information Center and the Humboldt Watershed Council Regarding the Interim Categorical Waivers for Discharges Related to Timber Operations (Order Nos. R1-2002-0109 and R1-2003-0116, North Coast Region), Issued by North Coast Regional Board, SWRCB/OCC File A-1539

Sheryl Schaffner, Office of Chief Counsel, presented the item.

No action was taken on the proposed order. The Chairman asked to have the matter placed on the agenda for consideration at the June 17, 2004, Board meeting.

WATER QUALITY

16. Consideration of adoption of a Statewide, General National Pollutant Discharge Elimination System Permit for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States

Jarma Bennett, Division of Water Quality, presented the item.

Betsy Jennings, Paul Helliker, Diana Jacobs, Harley Branch, James Maughan, Paul Henson, Ted Frink, Kevin Keefer, Scott Lower, Randy Fischback, David Bolland, Bill Jennings, Michael Sexton, Rick Massa, Dennis Kelly, Craig Mayfield, Thomas Jordan, Summer Bundy, Greg Connaughton, Thomas McNabb, Don McPhee, James Schmidt, Mike Blankinship, Bob Acker, DeeDee Jones, Sejal Choksi, Wes Croxen, Jim Atherstone, Jim Marshall, and Kathy Brunetti addressed the Board.

Motion: The Board unanimously adopted the order. **WQ Order 2004-0009**

17. Consideration of adoption of a Statewide, General National Pollutant Discharge Elimination System Permit for Discharges of Aquatic Pesticides to Surface Waters of the United States for Vector Control

Wayne Sobieralski, Division of Water Quality, presented the item.

Craig Downs, Paul Helliker, and Betsy Jennings addressed the Board.

Motion: The Board unanimously adopted the order. **WQ Order 2004-0008**

ADJOURNMENT

The Chairman adjourned the meeting at 3:30 p.m.